

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

UNITED STATES OF AMERICA, Criminal No. 3:18cr00011

Plaintiff,

vs.

Charlottesville, Virginia

JAMES ALEX FIELDS, JR.,

3:00 p.m.

Defendant.

March 27, 2019

TRANSCRIPT OF GUILTY PLEA HEARING
BEFORE THE HONORABLE MICHAEL F. URBANSKI
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the United States: THOMAS T. CULLEN
U.S. Attorney's Office
P.O. Box 1709
Roanoke, VA 24008

CHRISTOPHER KAVANAUGH
U.S. Attorney's Office
255 W. Main St.
Charlottesville, VA 22902

For the Defendant: LISA M. LORISH
FREDERICK T. HEBLICH
Federal Public Defenders Office
401 E. Market St.
Suite 106
Charlottesville, VA 22902

Court Reporter: Sonia Ferris, RPR, OCR
U.S. Court Reporter
116 N. Main St. Room 314
Harrisonburg, VA 22802

Proceedings recorded by mechanical stenography; transcript
produced by computer.

1 THE COURT: Good afternoon.

2 Ask the clerk to call the case.

3 THE CLERK: This is the United States of America vs.
4 James Alex Fields, Jr., Criminal Action 3:18cr00011,
5 defendant one.

6 THE COURT: Good afternoon.

7 This case has been set down for a change of plea
8 hearing.

9 Is the United States ready to proceed?

10 MR. KAVANAUGH: We are, Your Honor.

11 THE COURT: And is the defendant ready to proceed?

12 MS. LORISH: He is, Your Honor.

13 THE COURT: Okay. When this case was originally
14 charged, the statute under which it was charged had certain
15 penalties that were available, and as I understand it, the
16 Attorney General has made some determination as to whether or
17 not to seek the death penalty in this case.

18 Let's hear from the United States Attorney.

19 MR. CULLIN: Thank you, Your Honor. May it please
20 the Court, Thomas Cullen for the United States.

21 On Friday afternoon, I received a letter from
22 Attorney General William Barr authorizing and directing my
23 office not to seek the death penalty against James Alex
24 Fields, Jr., conditioned on his entering a plea agreement in
25 accordance with the terms directed in a memorandum we sent to

1 his office. I have a copy of that letter, Your Honor. We
2 can certainly mark that as an exhibit and introduce it, make
3 it part of the record in this case.

4 THE COURT: I think it would be appropriate to go
5 ahead and docket that letter and we will docket that letter
6 on the docket in this case.

7 I direct the clerk to docket it in this case.

8 We can either mark it as an exhibit, Kristin, or we
9 can just docket it as a separate docket entry.

10 Can I see it?

11 (Said document handed to the Court.)

12 MR. CULLIN: As the Court's aware, the effect of that
13 letter and its filing is the maximum penalty is now life
14 imprisonment.

15 THE COURT: I understand. Okay.

16 Thank you for that, Mr. Cullen. I appreciate that.

17 It is my understanding that we're here to conduct a
18 Rule 11 guilty plea hearing in this case. It is expected
19 that the defendant will plead guilty to certain charges in
20 the indictment pursuant to a written plea agreement in this
21 case. I have reviewed the indictment, the plea agreement,
22 the statement of the offense -- at least the draft one that I
23 had seen prior to today's hearing.

24 Mr. Fields, before I can call upon you to plead, I
25 must be satisfied that you possess a sufficient understanding

1 of your situation so as to make a knowing, voluntary,
2 intelligent, and informed plea. In fact, the purpose of this
3 hearing is to make sure that you understand what you're
4 charged with, what the maximum penalties are, what your
5 rights are, and that you knowingly and voluntarily enter a
6 plea of your choice. Now -- so, therefore, I'll need to make
7 some findings in terms of whether you're competent to enter a
8 plea and whether or not you understand the charges and the
9 penalties against you. So I'm going to need to ask you a few
10 questions and I am going to require you to answer them under
11 oath.

12 Now, during this proceeding, if there is some
13 question asked or statement made that you don't understand or
14 that you have a question about, I want you to ask your
15 lawyers about it, and I want you to raise it with me. Okay?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Secondly, if there's something said that
18 you don't agree with, that is just not correct, I want you to
19 tell your lawyers about it and I want you to tell me about
20 it. Okay?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Now, if you don't speak up, I'm going to
23 assume that you understand what is being said and that you
24 agree with it. Are we clear on that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now, let's go ahead and ask the clerk to
2 administer the oath to the defendant, please.

3 (Defendant sworn.)

4 Let me ask the court reporter: Where is it best for
5 you to have Mr. Fields? Do you want him at the podium or is
6 he fine at counsel table?

7 COURT REPORTER: I believe he's fine there, Your
8 Honor; wherever you'd like him.

9 THE COURT: What's counsel comfortable with?

10 MR. HEBLICH: We're comfortable at the table.

11 THE COURT: That's fine. We'll do that.

12 Mr. Fields, you may remain standing. Let me ask you
13 a few questions.

14 Now that you've been sworn, do you understand you
15 must answer any questions posed to you truthfully?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And that if you answer any questions
18 falsely, your answers may later be used against you in
19 another prosecution for committing perjury or making a false
20 statement.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I want to ask you some questions directed
23 to the issue of your competency. The reason I ask these
24 questions is because, obviously, this hearing is important to
25 you, and I want to make sure that you're clearheaded, alert,

1 and fully understand what's going on. Okay?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Tell me what your name is.

4 THE DEFENDANT: James Alex Fields, Jr.

5 THE COURT: Mr. Fields, how old are you?

6 THE DEFENDANT: 21.

7 THE COURT: 21.

8 When did you turn 21?

9 THE DEFENDANT: April 26th.

10 THE COURT: April 26th of 2018?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So in about a month, you'll turn 22?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Where are you from?

15 THE DEFENDANT: Kentucky.

16 THE COURT: Kentucky. Where were you born? What
17 state?

18 THE DEFENDANT: Kentucky.

19 THE COURT: You were born in Kentucky.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: So you are a United States citizen.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: How far did you get in school?

24 THE DEFENDANT: I'm a high school graduate.

25 THE COURT: When did you graduate from high school?

1 THE DEFENDANT: 2015.

2 THE COURT: Have you taken any college courses or
3 training?

4 THE DEFENDANT: No, sir.

5 THE COURT: Now, obviously, you speak English?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Can you read and write in English?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you have any condition that I need to
10 be aware of, a medical condition or some other condition such
11 as a hearing problem or something like that, that would make
12 it difficult for you to understand the words that we're
13 speaking here in open court?

14 THE DEFENDANT: No, sir.

15 THE COURT: Have you ever been treated for any
16 emotional or mental problem --

17 THE DEFENDANT: Yes, sir.

18 THE COURT: -- that might -- okay. Tell me what
19 you've been treated for.

20 THE DEFENDANT: Bipolar, depression, anxiety, ADHD,
21 schizo-personality disorder, explosive onset disorder.

22 THE COURT: Okay. I got bipolar, depression,
23 anxiety, ADHD, schizo-anxiety disorder and the explosive
24 onset disorder. Did I get most of them?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Are you currently being treated
2 for those now?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: When did you first start being treated
5 for any of these conditions?

6 THE DEFENDANT: As a young child.

7 THE COURT: As a young child. Okay.

8 Have you been taking medications for these conditions
9 for some time?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you -- I wonder if you could, if you
12 don't mind, Mr. Fields, give me a sense for -- have you
13 been -- how long have you been treated for these various
14 conditions and what the nature of the treatment has been?

15 THE DEFENDANT: I've been treated since I was about
16 six years old, and I've received therapy and medication for
17 my illnesses.

18 THE COURT: Okay. Are you taking medication now?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: So you're getting some while you're in
21 custody?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: What are you taking?

24 THE DEFENDANT: Risperdal, Zoloft, and BusPar.

25 THE COURT: Are you currently on those meds?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. With those meds -- do those meds
3 help you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: How are you feeling here today?

6 THE DEFENDANT: I'm feeling normal, sir.

7 THE COURT: Okay. Obviously, we're here in court.
8 It's not a normal setting for anyone. Do you have any
9 trouble here today understanding what's going on,
10 understanding why you're here?

11 THE DEFENDANT: No, sir.

12 THE COURT: Do you understand that you're here
13 charged with a federal hate crime and that you have entered
14 into a plea agreement and that you are pleading guilty to
15 Counts 1 through 29 of the indictment in this case?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. Now, have you been taking those
18 three drugs -- let's see, I think it was Respirdal, Zoloft,
19 and BuSpar -- for some time?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: For a number of years?

22 THE DEFENDANT: No, sir.

23 I've taken Respirdal since I was about six years old,
24 but the other ones are new, and the other ones I was on
25 before, I can't take in jail.

1 THE COURT: So the Zoloft and BuSpar are since you've
2 been in custody?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you feel like they help you with your
5 state of mind?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Help you with your clarity of thinking?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Again, if there's something here you
10 don't understand, something here you need to have repeated or
11 rephrased, just let me know. Okay?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: We've talked about some of these problems
14 that you've had, and you've had many of these mental health
15 problems for a long time?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: I don't know that because I don't know
18 any of your mental health history, but I would certainly get
19 that information when the presentence report is prepared in
20 this case. That's part of what the probation officers do.

21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Have you talked with your lawyers about
24 that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Now, have you been treated for
2 addiction, either to alcohol or any sort of narcotic drug?

3 THE DEFENDANT: No, sir.

4 THE COURT: Now, other than the Respirdal, the Zoloft
5 and the BuSpar, have you taken any other medications in the
6 past few days?

7 THE DEFENDANT: No, sir.

8 THE COURT: Now, have you taken any other drugs,
9 intoxicants, alcohol, anything else that might affect your
10 ability to understand what's going on here in the past few
11 days?

12 THE DEFENDANT: No, sir.

13 THE COURT: Counsel, do you have an opinion with
14 regard to Mr. Fields' competency?

15 MS. LORISH: Yes, Your Honor. I think he's competent
16 to enter a guilty plea today.

17 THE COURT: You've been working with Mr. Fields for
18 how long, Ms. Lorish?

19 MS. LORISH: Almost -- over a year now.

20 THE COURT: Over a year now. Okay. All right.

21 Do we have a copy of the indictment there?

22 MS. LORISH: Yes, Your Honor.

23 THE COURT: Mr. Fields, do you have a copy of the
24 indictment there?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Have you received a copy of it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you read it?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. Have you -- let me ask Ms. Lorish:
6 What have you done to acquaint your client with the charges
7 in this indictment, in general terms?

8 MS. LORISH: In general, Your Honor, Mr. Hebllich and
9 I have met with Mr. Fields on numerous occasions over the
10 last year to review the potential charges before they were
11 brought, and then also the indictment after it was issued,
12 and have met with him numerous times regarding the contents
13 of the plea agreement today.

14 THE COURT: Okay. And have you gone over with Mr.
15 Fields the charges, what the elements of the offense are; in
16 other words, what the government would have to prove, the
17 possible penalties, and the pleas available to him?

18 MS. LORISH: I have, Your Honor.

19 THE COURT: Now, based on your discussions with your
20 client about the charges in the indictment, are you in a
21 position to waive its formal reading or would you like it to
22 be read into the record?

23 MS. LORISH: We'll waive the formal reading, Your
24 Honor.

25 THE COURT: Mr. Fields, a few questions for you.

1 Have you read the indictment?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you had a chance to fully discuss
4 the charges in the indictment with your attorney?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You're charged in 30 counts in this
7 indictment. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand the charges in the
10 indictment?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that these charges are
13 felonies under federal law?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And a felony, of course, means a crime
16 that is punishable by a period of incarceration of greater
17 than one year.

18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, by pleading guilty to Counts 1
21 through 29 of this indictment, that means that you are
22 agreeing that you did the things charged in Counts 1 through
23 29 of the indictment.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Now, all right.

3 I'm going to ask the government in a little bit to go
4 over the offenses, the elements of the offense, and the
5 maximum possible penalties.

6 Okay, Mr. Kavanaugh?

7 MR. KAVANAUGH: Yes, Your Honor.

8 THE COURT: Let's take a look -- why don't you go
9 ahead and do that now? Let's go over the charges in Counts 1
10 through 29. Let's go over the elements of the offense, and
11 let's go over the maximum possible penalties. I may go over
12 it a little bit as well, but let's hear from you, Mr.
13 Kavanaugh.

14 MR. KAVANAUGH: Thank you, Your Honor. Chris
15 Kavanaugh on behalf of the United States.

16 The charges in the indictment, Counts 1 through 29,
17 are as follows: Count 1 is a hate crime resulting in death,
18 in violation of 18 U.S.C. 249 subsection (A)(1). The maximum
19 possible penalty for that is life imprisonment, a \$250,000
20 fine, and up to five years of supervised release.

21 Counts 2 through 29 are also hate crimes under the
22 same statutory provision of 18 U.S.C. 249(A)(1). However,
23 they are involving an attempt to kill. The maximum penalty
24 for those is life imprisonment, a \$250,000 fine, and
25 five years of supervised release.

1 THE COURT: And as I understand it, Counts 2 through
2 29 each deal with a separate victim.

3 MR. KAVANAUGH: That's exactly right, Your Honor, 28
4 additional victims, in addition to the victim named in Count
5 1.

6 THE COURT: Right.

7 MR. KAVANAUGH: As to the elements of the offense,
8 Your Honor, there are two elements of the offense that I'd
9 like to go over.

10 The first is that -- number one, is that the
11 defendant willfully caused a bodily injured, or that he
12 attempted to do so through the use of a dangerous weapon; and
13 two, that the defendant did so because of the person's race,
14 color -- I'm sorry -- because of many persons' race, color,
15 religion or national origin.

16 For Counts 1, and then Counts 2 through 29, there's
17 an additional element. For Count 1, the government would
18 have to show that it resulted in death. In this case, that
19 would be Heather Heyer. And for Counts 2 through 29, the
20 government would have to show that the offense included an
21 attempt to kill, and those are for the victims that are
22 listed in Counts 2 through 29 of the indictment.

23 THE COURT: Right.

24 And with regard to the intent element, it is because
25 of actual or perceived race, color, religion, or national

1 origin.

2 MR. KAVANAUGH: Exactly, Your Honor.

3 THE COURT: Let's go over the penalties, if you
4 would, sir.

5 MR. KAVANAUGH: Your Honor, for penalties, Counts 1
6 through 29, all of those have a maximum penalty of life, face
7 a fine of up to \$250,000, and up to five years of supervised
8 release.

9 THE COURT: Okay. There's also a mandatory special
10 assessment of a hundred dollars per count?

11 MR. KAVANAUGH: Yes, Your Honor.

12 THE COURT: Okay. All right. Thank you.

13 Now, let me ask you, Mr. Fields: Do you have any
14 questions at all about the charges set forth in Counts 1
15 through 29 of the indictment?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do you have any questions about the
18 elements of the offense; in other words, what the government
19 would have to prove to get a conviction for Counts 1 through
20 29 of the indictment?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you have any questions about the
23 penalties involved?

24 THE DEFENDANT: No, sir.

25 THE COURT: Do you understand that for each of these

1 counts, the maximum possible penalty is a period of
2 incarceration of up to life in prison? Do you understand
3 that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And that there's a fine of up to \$250,000
6 per count, and a period of supervised release of up to five
7 years per count.

8 Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And a mandatory special assessment --
11 it's like court costs -- of a hundred dollars per count.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Now, I understand a plea of guilty is
15 reflected in a written plea agreement. I have a few
16 questions for you about that, Mr. Fields.

17 Do we have a copy of the signed, written plea
18 agreement in front of you?

19 MS. LORISH: We do, Your Honor.

20 THE COURT: Mr. Fields, did you read that plea
21 agreement?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, it's 14 pages. It's single-spaced.
24 There's a lot of stuff in there; okay? We're going to go
25 over it, but I want to make sure.

1 Did you read every page?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Did you initial every page,
4 indicating that you read it?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Did you go over every page with
7 your lawyer?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Your lawyers.
10 Did you have a chance to ask them questions about the
11 various provisions of the plea agreement?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Now, did you sign it at the end?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Indicating that you agree to the terms of
16 this plea agreement.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. And do you, in fact, agree to the
19 terms of this plea agreement?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. What I'd like to do now is ask the
22 Assistant United States Attorney to go over the essential
23 terms of the plea agreement here in open court. I do this in
24 every case because I want the defendant to hear out of the
25 mouth of the government what they say this agreement means.

1 So if something doesn't sound right to you, it would be time
2 to let your lawyers know and let me know. Okay?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Kavanaugh.

5 MR. KAVANAUGH: Yes, Your Honor.

6 As the Court noted, the original document is the
7 14-page document that the defendant has signed, but I will
8 summarize the plea agreement as follows, as far as its
9 material provisions.

10 THE COURT: Yeah, I do not need you to read it, all
11 14 pages, but the essential terms of the plea agreement would
12 be helpful.

13 MR. KAVANAUGH: Thank you.

14 First is that the defendant admits to -- agrees to
15 admit guilt and enter pleas of guilty to Counts 1 through 29
16 of the indictment, all of which charge federal hate crimes,
17 in violation of 18 U.S.C. 249(A)(1).

18 The defendant agrees that the first degree murder
19 guideline and the United States Sentencing Guidelines of
20 2A1.1 applies. He also agrees that the enhancement for the
21 hate crime motivation under Section 3A1.1 applies, also under
22 the 2018 version of the United States Sentencing Guidelines.

23 The parties agree that there may be other guideline
24 provisions that are appropriate that apply --

25 THE COURT: 43 is the top end of the guidelines,

1 according to this.

2 MR. KAVANAUGH: Yes, Your Honor.

3 THE COURT: My book doesn't have the 43 plus 3.

4 MR. KAVANAUGH: That's correct, Your Honor.

5 THE COURT: Go ahead.

6 MR. KAVANAUGH: Your Honor, the parties agree that
7 after applying all of the appropriate provisions of the
8 United States Sentencing Guidelines that the applicable
9 guideline range will be a term of life imprisonment.

10 THE COURT: Okay. Of course, he can get some
11 reduction off the 43 plus 3 for acceptance of responsibility.

12 MR. KAVANAUGH: Yes, he could, Your Honor, to bring
13 it back down to 43, which also leads to an applicable
14 guideline range of life.

15 THE COURT: Life. Okay.

16 MR. KAVANAUGH: And for Your Honor's benefit, we
17 actually anticipate that the guideline range -- that base
18 offense level will be even higher because of the Counts 2
19 through 29. It will be 43 on Count 1 alone so we would
20 actually anticipate that with Counts 2 through 29 --

21 THE COURT: The parties, on page 4, third
22 paragraph -- it says, "The parties stipulate and agree that
23 after applying all appropriate provisions of the 2018
24 guidelines manual, the applicable guideline range in my case
25 is a term of life imprisonment."

1 MR. KAVANAUGH: Yes; that's exactly right.

2 THE COURT: All right.

3 MR. KAVANAUGH: The defendant agrees to waive his
4 right to appeal or to collaterally attack his sentence or
5 conviction, as outlined in subsection (c)(1), except as to
6 those issues which cannot be waived by law.

7 Your Honor, we don't believe that the interstate
8 agreement on detainers applies, but to the extent it does
9 apply, the defendant agrees that he waives his rights under
10 the Interstate Act of Detainers -- agreement on detainers,
11 and agrees that his case should be determined by the
12 provisions of the Speedy Trial Act, 3161.

13 Your Honor, these are the material provisions that
14 the defendant agrees to, and if he complies with those
15 material provisions of the agreement, the government agrees
16 to do the following:

17 First is that, at sentencing, the government will
18 agree to dismiss Count 30. That was the provision that Mr.
19 Cullen was referring to earlier, and that was the provision
20 that originally carried with it the potential penalty of the
21 death penalty.

22 Second is that the government agrees that it will not
23 charge him with any additional criminal offenses in violation
24 of federal law committed within the Western District of
25 Virginia or Northern District of Virginia prior to the

1 execution -- sorry -- Northern District of Ohio -- I
2 apologize -- prior to the execution of the agreement and
3 about which the government was made aware prior to the
4 execution of the agreement.

5 Third, and finally, is that prior to sentencing, the
6 United States will request and seek a transfer of primary
7 jurisdiction from the Commonwealth of Virginia to the federal
8 government.

9 That is what the government will do if the defendant
10 complies with the provisions of the agreement.

11 THE COURT: What is the upshot of the transfer of the
12 primary jurisdiction from the Commonwealth of Virginia to the
13 federal government?

14 MR. KAVANAUGH: Your Honor, that will relate to his
15 serving his sentence in a Bureau of Prisons facility.

16 THE COURT: A federal Bureau of Prisons facility.

17 MR. KAVANAUGH: Yes, Your Honor.

18 THE COURT: That's what I thought. Thank you for
19 that, Mr. Kavanaugh.

20 Okay. Now, Mr. Fields, do you have -- first, let me
21 ask your lawyer: Is that summary consistent with your
22 understanding of the essential terms of the plea agreement?

23 MS. LORISH: It is, Your Honor.

24 THE COURT: And, Mr. Fields, is that summary
25 consistent with your understanding as well?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Mr. Fields, do you understand the terms
3 of the plea agreement?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you have any questions at all you want
6 to ask me about the plea agreement?

7 THE DEFENDANT: No, sir.

8 THE COURT: Do you agree to the terms set forth in
9 the plea agreement?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you want the Court to accept the plea
12 agreement in this case?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Has anyone attempted to force you,
15 pressure you, threaten you, coerce you, make you plead guilty
16 to the charges in this case?

17 THE DEFENDANT: No, sir.

18 THE COURT: Are you pleading guilty of your own free
19 will?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Has anyone made you any promises or
22 assurances separate from or different than those set forth in
23 this plea agreement?

24 THE DEFENDANT: No, sir.

25 THE COURT: Does the plea agreement represent in its

1 entirety any understanding you have with the United States?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: In other words, is this the whole
4 agreement with the United States set forth in this plea
5 agreement?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay.

8 Now, this is a felony offense under federal law, and
9 in addition to the penalties that Mr. Kavanaugh has gone over
10 for Counts 1 through 29 -- and those are, again, a maximum
11 term of imprisonment of life for each count, a period of
12 supervised release of up to five years, a fine of up to
13 \$250,000, and a mandatory special assessment of a hundred
14 dollars.

15 In addition to that, along with this comes a loss of
16 civil rights. Someone who's convicted of a felony under
17 federal law loses the right to vote, serve on a jury, possess
18 any kind of firearm, hold public office.

19 Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. Now, we have gone over the charge
22 and the elements.

23 Again, any questions you have about the charges in
24 Counts 1 through 29 or what the government would have to
25 prove?

1 THE DEFENDANT: No, sir.

2 THE COURT: We have gone over the penalties in this
3 case, and Mr. Kavanaugh said it, and I've said it a couple
4 times. Do you have any questions about those penalties?

5 THE DEFENDANT: No, sir.

6 THE COURT: And I'm sure you have talked with your
7 lawyers about those penalties at some length.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, do you understand the penalties that
10 we've listed: Period of incarceration of up to life, fine of
11 up to \$250,000, mandatory special assessment of \$100 per
12 count, and a period of supervised release up to five years.
13 Those are the consequences of your plea of guilty to these
14 counts in this case.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, let me explain to you very
17 briefly -- and I do this in every case -- how the Court goes
18 about reaching a sentence in this case. Okay?

19 The first thing I will do if I accept the plea and
20 plea agreement is I will refer the matter to probation for
21 the creation of a presentence report. A presentence report
22 will contain a lot of information about you and about this
23 crime and about the victims of this crime. One of the things
24 the presentence report will do is it will calculate for me a
25 range under the advisory sentencing guidelines of where your

1 case should fall. The way the federal advisory sentencing
2 guidelines work is that there is a numerical value associated
3 with each federal crime, and that is put on one axis. Then
4 your criminal history is put on the other axis on a chart in
5 the guidelines manual, and the appropriate guideline range is
6 meted out.

7 Now, you have agreed and stipulated with the
8 government that your appropriate guideline range associated
9 with first degree murder under guideline 2A1.1 is a 43.
10 Okay? That is as far as the guidelines go. That is the
11 bottom end of the guidelines for which every criminal history
12 category associated with calls for a guideline sentence of
13 life imprisonment.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: The government is also calling for an
17 enhancement, and it seems to me you stipulated and agreed to
18 this enhancement as well, that under 3A1.1(a), there was a
19 hate crime motivation, so that would increase this by three
20 points more.

21 Now, the guidelines can be reduced by certain
22 factors, including for someone who pleads guilty and accepts
23 responsibility for his offense. So this plea agreement says
24 that you all agree that the appropriate guideline range in
25 this case is a term of life imprisonment.

1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you agree to that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. Now, let me tell you something
6 about that, and that is this. Under current law, these
7 guidelines are not binding on the court. These guidelines
8 are advisory. Okay? It's a place for the Court to start in
9 imposing a sentence, okay? So the fact that you and the
10 government have stipulated to a life imprisonment sentence
11 does not mean that the Court is required to impose a life
12 imprisonment sentence. The Court may, if the Court -- the
13 Court can't go any higher than a life imprisonment sentence
14 because that's the statutory maximum. But the Court is not
15 bound by this, this guideline stipulation, if the Court
16 believes under all the facts and circumstances of the case
17 that a different sentence is required. In other words,
18 simply because you and the government have agreed to a
19 particular sentence in this plea agreement does not mean that
20 it's binding on the Court.

21 MS. LORISH: Your Honor, I just want to be clear.
22 The parties haven't agreed to a particular sentence.

23 THE COURT: No, you agreed to a guideline range.

24 MS. LORISH: Thank you.

25 THE COURT: If I misstated that, I'm sorry. What you

1 say is you agree to a guideline range.

2 MS. LORISH: That's correct, Your Honor.

3 THE COURT: Simply because you have agreed to a
4 guideline range of life imprisonment does not mean that
5 that's where I have to find the guidelines -- okay -- or
6 where the sentence ultimately will be.

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: At the end of the day, the sentence is up
10 to the Court. Okay?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Let me tell you how that works.

13 The guidelines under federal law are a place to
14 start. So the Court will come up with this guideline range.
15 You all have agreed on a 43 and a term of life imprisonment,
16 and that might turn out to be right. If that range is right
17 and consistent with the law and the facts, then I'll go along
18 with it. Okay? But I get to decide whether or not I think
19 it's right or not.

20 Next, after the guidelines are calculated, I have to
21 turn to a statute. It's in this book here, 18 United States
22 Code Section 3553(a), and I'm sure you've talked to your
23 lawyers about it. It is the statute that sets out the
24 factors that a federal judge must consider in imposing a
25 sentence. Okay?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: The first factor is the nature and
3 circumstances of the offense. What was the crime and what
4 was Mr. Fields' role in it? That is a factor that the Court
5 considers.

6 The next factor is the history and characteristics of
7 the defendant, and that is where your story about how you've
8 lived your life, and the issues you've had with these mental
9 health conditions will come into play -- in that factor --
10 and any other facts and circumstances about your family,
11 about your health situation, your education, and all of that.
12 So those will also be commented on in the presentence report.

13 The other factors are more general, and they consist
14 of the need for the sentence imposed to reflect the
15 seriousness of the offense, to provide just punishment, to
16 afford adequate deterrence, to protect the public. The Court
17 must consider the guidelines and the kinds of sentences
18 available, the need to avoid unwarranted sentence
19 disparities, among those factors.

20 So in other words, right now, I don't have a
21 presentence report. The guidelines haven't been calculated,
22 so the Court, right now, is not in a position to impose
23 sentence. That will be down the road. Okay? But if you
24 plead guilty here today and I accept that guilty plea, you
25 will not be able to withdraw that guilty plea regardless of

1 the sentence you get.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. So simply because -- if the
5 sentence turns out to be higher than you and your lawyer may
6 have estimated or talked about, then you are not going to be
7 able to withdraw your guilty plea so long as I stay within
8 the statutory maximum, and that is life imprisonment.

9 Do you understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Okay.

12 Now, in other words, you plead guilty here today, I
13 accept it, the only thing left is for sentencing, and you're
14 not going to be allowed to withdraw your guilty plea.

15 Do you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay.

18 Now, there is no parole under the federal system so
19 if you receive a sentence, for example, of life imprisonment,
20 that is life imprisonment without parole.

21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: In other words, there's no board you can
24 apply to to get out early. If your sentence is a period of
25 years or for life, you will serve that period of years or

1 life, and there is no opportunity to get out early.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, I mentioned supervised release.

5 Supervised release is a period of time after any sentence --
6 after completion of any sentence in this case. Now,
7 obviously, if you were sentenced to life imprisonment, which
8 is the statutory maximum here and for which the parties have
9 stipulated is the applicable guideline range, then supervised
10 release would not be relevant. But if you were sentenced to
11 a period of years, after you got out of prison, you would
12 still be subject to a period of supervision under which you
13 would have to be of good behavior, you would have to follow
14 the instructions of probation, not commit any crimes, not
15 have anything to do with guns or drugs and, again, follow the
16 instructions of probation. That would come after the service
17 of any prison sentence. That's what supervised release
18 means. For these crimes, it's a period of supervised release
19 of up to five years.

20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Now, any questions at all about the
23 penalties in this case, what the Court's going to do in terms
24 of calculating the penalty? Any questions about any of that?

25 THE DEFENDANT: No, sir.

1 THE COURT: Now, one thing I didn't mention that I
2 always mention, and that is this. You'll get a copy of the
3 presentence report before the sentencing hearing in this
4 case. You'll get a chance to review it with your lawyers.
5 So will the government. And you'll get a chance to see if
6 there's any things in there that are not correct, and you can
7 make objections or corrections to it. If you and the
8 government and probation can't work those out ahead of time,
9 I will resolve any objections at sentencing in this case.

10 Likewise, if there is -- if probation comes up with a
11 different guideline range and you think they've done
12 something wrong with the guidelines, then you can object to
13 it and so can the government and we can talk about that and I
14 will resolve all of that at sentencing.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: The other thing I will ask, and I ask
18 this in every case, and that is I ask your lawyers and I ask
19 the government to provide me with a written sentencing
20 memorandum a week before trial -- a week before -- excuse
21 me -- the sentencing in this case. I very often get
22 information in there that is not in the presentence report.
23 Obviously, the lawyers here know a lot more about this case
24 than the Court does, and very often, you have insights that
25 are helpful to the Court in sentencing that you can provide

1 in sentencing memoranda.

2 I will also hear, obviously, from any victims, at
3 sentencing. They have a right to be heard, and I will hear
4 from victims at sentencing.

5 Likewise, Mr. Fields, if you want to have anyone
6 write me letters -- if anyone wants to write me a letter
7 about this case -- friends, family members, anything like
8 that -- I always read what gets sent in before sentencing,
9 and that's a very common -- a very common occurrence. Okay?

10 Any other questions about the penalties in this case?

11 THE DEFENDANT: No, sir.

12 THE COURT: Let's talk about what you're giving up by
13 pleading guilty in this case. You're giving up three things.
14 First, you're giving up your right to have 12 folks sit in
15 that jury box right there and decide whether or not the
16 government can prove its case against you beyond a reasonable
17 doubt.

18 You, as the defendant, have a right to remain silent
19 and not have that silence used against you.

20 You have a right to plead not guilty and persist in
21 that plea.

22 You would have the right at a jury trial to have the
23 assistance of counsel.

24 You would have the right to see and confront by
25 cross-examination all of the government's witnesses in this

1 case.

2 You would have the right to testify if you wanted to,
3 and you would have the right to bring persons and documents
4 and things here into court to assist in your defense by means
5 of the use of the subpoena power of the court.

6 At that trial, the government would have to get -- in
7 order to find you guilty, it would have to be by a unanimous
8 verdict, and a verdict that is beyond a reasonable doubt.
9 Again, you have no burden of proof and do not have to prove
10 anything. But by pleading guilty here today, you waive your
11 right to trial by jury and there will be no trial.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And you give up all of those
15 constitutional rights associated with trial except for the
16 assistance of counsel. You get to keep your counsel.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And all those other rights, you waive
20 them.

21 Do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: In other words, you give them up.

24 Do you understand?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: The second thing you give up in this plea
2 agreement is your right to appeal. That's set forth on page
3 7 of the plea agreement. It says, "I expressly waive my
4 right to appeal my sentence." And you give up your right to
5 direct appeal. In fact, you instruct your lawyer not to file
6 a notice of appeal in this case.

7 Now, it says, "I'm not waiving my right to appeal or
8 to have my attorney file a notice of appeal as to any issue
9 which cannot be waived." Well, what does that mean? If I
10 were to sentence you beyond what the law allows, you could
11 appeal that. Okay? But the law in this case sets the
12 maximum penalty at life imprisonment. So that's not going to
13 happen. Okay? And so -- or if I were to sentence you based
14 on some constitutionally impermissible factor such as your
15 age or your sex or your race or national origin or something
16 like that -- well, maybe you could appeal that. But I'm not
17 going to do that either. Okay? So you are essentially
18 giving up in this plea agreement your right to appeal.
19 Specifically, you say, "I agree and understand that if I file
20 any court document except for an appeal based on an issue
21 that cannot be waived by law or a collateral attack based on
22 ineffective assistance of counsel, seeking to disturb in any
23 way any order imposed in my case, such action shall
24 constitute a failure to comply with a provision of this
25 agreement. I understand that my knowing and voluntary waiver

1 of the right to appeal or collaterally attack my conviction
2 and sentence includes a waiver of the right to raise on
3 appeal or on collateral review any argument that;

4 One, the statute to which I am pleading guilty is
5 unconstitutional;

6 And, two, the conduct to which I am admitting through
7 my guilty plea does not fall within the scope of the
8 statute."

9 That is a very broad waiver of the right to appeal.

10 Do you understand how broad it is?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand you are essentially
13 giving up your right to appeal this case?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Next. The third thing you give up is
16 your right to collaterally attack the judgment. Well, what
17 does that mean? That means you give up your right to file a
18 petition for a writ of habeas corpus, a separate civil suit
19 filed by someone who's in custody to say, Let me out; there
20 was something wrong with my proceeding. You give up that
21 right except for a claim that in some respect your lawyers
22 have been constitutionally ineffective.

23 So you give up your right to jury trial in its
24 entirety, and except in narrow respects, you give up your
25 right to an appeal or to file a habeas corpus petition.

1 Do you understand those rights you're giving up by
2 pleading guilty?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Understanding those rights, do you still
5 want to plead guilty in this case?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Now, are you fully satisfied with the
8 advice and representation provided to you in your case by Mr.
9 Hebllich and Ms. Lorish, your counsel?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, we've gone over a lot of things.
12 We've gone over the charges. We've gone over the elements of
13 the offense. We've gone over the penalties. We've gone over
14 the terms of the plea agreement. We've gone over the rights
15 that you're giving up, and we've gone over all of these
16 matters.

17 Do you have any questions at all you want to ask me
18 before we go further?

19 THE DEFENDANT: No, sir.

20 THE COURT: Okay.

21 Let me ask the United States to present the facts it
22 would be prepared to prove were this case to go to trial.

23 I understand there's a written statement of offense
24 in this case that the parties have agreed upon.

25 MR. CULLIN: That's correct, Your Honor, and with the

1 Court's permission, I would just read that into the record
2 and just enter it as an exhibit.

3 THE COURT: Please.

4 Mr. Fields, Mr. Cullen is going to read this written
5 statement of offense that I understand you've gone over with
6 your lawyer. I'm going to ask you some questions about it,
7 but principally, I'll ask you: Do you agree if this case
8 went to trial, the government could prove the facts set forth
9 in this statement of offense? I'll ask you that at the end.
10 So be thinking about that.

11 Go ahead, Mr. Cullen.

12 MR. CULLIN: The offenses described below occurred
13 within the Western District of Virginia as well as other
14 districts. This statement of offense briefly summarizes the
15 facts and circumstances surrounding the defendant's criminal
16 conduct. It does not contain all of the information obtained
17 during this investigation and applicable to an accurate
18 presentence report and sentencing guidelines calculation.

19 This statement of facts is not protected by proffer
20 agreement or any other agreement except in the event the
21 attached plea agreement is not approved as contemplated by
22 paragraph E section 1. This statement of facts shall be
23 wholly admissible at trial in the event this plea is later
24 withdrawn, notwithstanding any rules or statutes to the
25 contrary, including, but not limited to Federal Rules of

1 Evidence 408 and 410 and Federal Rule of Criminal Procedure
2 11.

3 Defendant James Alex Fields, Jr., acknowledges and
4 agrees that in proving the elements of the crimes to which he
5 is pleading guilty, the United States can establish the
6 following facts beyond a reasonable doubt, and that these
7 facts constitute an adequate basis for his pleas of guilty.

8 Prior to August 12, 2017, Defendant Fields obtained
9 multiple social media accounts, which he used to express his
10 beliefs regarding race, national origin, religion, and other
11 topics. On these accounts, Fields expressed and promoted his
12 view that white people are superior to other races and
13 peoples; expressed support of the social and racial policies
14 of Adolf Hitler and Nazi Germany, including the Holocaust;
15 and espoused violence against African-Americans, Jewish
16 people, and members of other racial, ethnic, and religious
17 groups he perceived to be nonwhite. Fields also expressed
18 these views directly in interactions with individuals known
19 to him.

20 In or around the spring and summer of 2017, an event
21 referred to as the Unite the Right rally was organized and
22 scheduled to occur on August 12, 2017, at Emancipation Park,
23 in Charlottesville, Virginia, which is within the Western
24 District of Virginia. This rally was widely promoted on
25 social media and internet sites associated with white

1 supremacist individuals and groups, and was scheduled to
2 feature a lineup of well known white supremacist speakers.

3 On the afternoon of August 11, 2017, Defendant Fields
4 departed Maumee, Ohio, driving his grey Dodge Challenger
5 bearing Ohio license plate number GVF-111, and arrived in
6 Charlottesville in the early morning of August 12, 2017.

7 On the morning of August 12, 2017, Defendant Fields
8 arrived in and around the immediate vicinity of Emancipation
9 Park in Charlottesville to attend the Unite the Right rally.
10 Multiple groups and individuals espousing white supremacist
11 and other anti-Semitic and racist views also attended the
12 rally. That morning, these rally participants, including
13 Fields, engaged in chants promoting or expressing white
14 supremacist and other racist and other anti-Semitic views.

15 On August 12, 2017, shortly before the scheduled
16 start of the Unite the Right rally, law enforcement declared
17 an unlawful assembly and required rally participants,
18 including Defendant Fields, to disperse. Fields later
19 returned to his vehicle and began to drive on the streets of
20 Charlottesville, Virginia.

21 On August 12, 2017, Defendant Fields drove his car
22 onto 4th Street, a narrow downhill, one-way street in
23 downtown Charlottesville. At or around that same time, a
24 racially and ethnically diverse crowd had gathered at the
25 bottom of the hill at the intersection of 4th and East Water

1 Streets. Many of the individuals in the crowd were
2 celebrating as they were chanting and carrying signs
3 promoting equality, and protesting against racial and other
4 forms of discrimination. Fields slowly proceeded in his
5 vehicle down 4th Street towards the crowd and stopped and
6 observed the crowd while idling his vehicle. With no vehicle
7 behind him, Fields then slowly reversed his vehicle back up
8 4th Street toward the top of the hill near the intersection
9 of 4th and East Market Streets.

10 At or around the same time, the members of the crowd
11 began to walk up 4th Street from Water Street toward Market
12 Street, populating the streets and sidewalks between the
13 buildings on 4th Street. Having reversed his car to a point
14 at or near the top of the hill in the intersection of 4th and
15 Market Streets, Defendant Fields stopped his vehicle. Fields
16 then rapidly accelerated forward down 4th Street in his
17 vehicle running through a stop sign and across a raised
18 pedestrian mall and drove directly into the crowd. Fields's
19 vehicle stopped only when it struck another stopped vehicle
20 near the intersection of 4th and Water Streets. Fields then
21 rapidly reversed his car and fled the scene.

22 As Fields drove into and through the crowd, Fields
23 struck numerous individuals, killing Heather Heyer, as listed
24 in Count 1 of the indictment, and causing bodily injury, or
25 attempting to cause bodily injury using his vehicle, a

1 dangerous weapon, to the following individuals, as listed in
2 Counts 2 through 29 of the indictment: Count 2, the victim
3 identified by the initials MB; Count 3, the victim identified
4 by the initials, MM; Count 4, the victim identified by the
5 initials, CC; Count 5, the victim identified by the initials,
6 TB; Count 6, the victim, WB; Count 7, victim NL; Count 8,
7 victim EB; Count 9, victim AM; Count 10, victim NM; Count 11,
8 victim CA; Count 12, victim NR; Count 13, victim MAN; Count
9 14, victim SS; Count 15, victim KA; Count 16, victim CN;
10 Count 17, victim MR; Count 18, victim AH; Count 19, victim
11 KT; Count 20, victim SL; Count 21, victim CY; Count 22,
12 victim LQ; Count 23, victim TW; Count 24, victim MW;
13 Count 25, victim BH, Count 26, victim LS; Count 27, victim
14 MJ; Count 28, victim AJ; and Count 29, victim AR.

15 Finally, Defendant Fields drove into the crowd
16 because of the actual or perceived race, color, religion or
17 national origin of the individuals in the crowd, and his
18 actions in doing so were willful, and included the attempt to
19 kill.

20 Your Honor, a signed copy of the statement of offense
21 will be entered into the record.

22 THE COURT: Thank you, Mr. Cullen.

23 Let me ask defense counsel: Is there any dispute
24 about the facts set forth in the statement of offense?

25 MS. LORISH: No. We agree that would be the

1 government's evidence, Your Honor.

2 THE COURT: Mr. Fields, you just heard a summary of
3 the evidence against you. Do you hear anything in that
4 summary with which you disagree?

5 THE DEFENDANT: No, sir.

6 THE COURT: Now, this is a written statement of
7 offense and it bears your initials on each page and your
8 signature on page 3. Did you have a chance to go over this
9 with your lawyer?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Did you read it?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did you sign it?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you agree with these facts?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Is there anything in the written
18 statement of facts with which you disagree?

19 THE DEFENDANT: No, sir.

20 THE COURT: Now, with regard to Counts 1 through 29
21 of this indictment, are you, in fact, guilty of what is
22 charged in those counts?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you pleading guilty of your own free
25 will?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Counsel, based on your investigation of
3 the facts of this case, your understanding of your client,
4 what took place in connection with the offense, the
5 circumstances of this indictment, your review of the
6 discovery, your understanding of the law, do you believe the
7 plea of guilty pursuant to the written plea agreement in this
8 case is well advised, consistent with the facts and the law,
9 and in your client's best interests?

10 MS. LORISH: I do, Your Honor.

11 THE COURT: Okay.

12 As to Counts 1 through 29 inclusive, Mr. Fields, how
13 do you plead?

14 THE DEFENDANT: Guilty.

15 THE COURT: And that would mean all 29 counts. Do
16 you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay.

19 Listen to the clerk while she reads you the written
20 guilty plea form.

21 THE CLERK: Mr. Fields, it reads: "In the presence
22 of Lisa Lorish and Fred Heblich, Federal Public Defenders, my
23 counsel, who has fully explained the charges contained in the
24 indictment against me, and having received a copy of the
25 indictment from the United States Attorney before being

1 called upon to plead, I hereby plead guilty to said
2 indictment and Counts 1 through 29 thereof. I have been
3 advised of the maximum punishment which may be imposed by the
4 Court for these offenses. My plea of guilty is made
5 knowingly and voluntarily and without threat of any kind or
6 without promises other than those disclosed here in open
7 court."

8 (Said guilty plea form executed.)

9 The form's been executed, sir.

10 THE COURT: The Court is advised by the clerk that
11 the defendant has executed the guilty plea form.

12 Before I make my findings in this case, are there any
13 things from the government's standpoint that the Court needs
14 to do at this Rule 11 hearing?

15 MR. KAVANAUGH: No, Your Honor.

16 THE COURT: Anything from the defendant's standpoint
17 that the Court needs to cover or clarify at this Rule 11
18 hearing?

19 MS. LORISH: Nothing else, Your Honor.

20 THE COURT: It is the finding of the Court in the
21 case of United States v. James Alex Fields, Jr., that the
22 defendant is fully competent and capable of entering an
23 informed plea. He's aware of the nature of the charges and
24 the consequences of his plea, and his plea of guilty is
25 knowing, voluntary and supported by an independent basis in

1 fact as to each of the essential elements of the offense.

2 The Court accepts the guilty plea as to Counts 1
3 through 29, inclusive, of the indictment and finds the
4 defendant, James Alex Fields, Jr., guilty of Counts 1 through
5 29, inclusive, of the indictment.

6 As I indicated, a written presentence report will be
7 prepared by probation, and I direct probation to begin work
8 on such report.

9 Mr. Fields, you'll be asked to give information for
10 that report. Your lawyers may be present for any such
11 interview. You will be given an opportunity to review the
12 presentence report, make any necessary corrections or
13 objections.

14 Any victims will be given an opportunity to be heard
15 at sentencing.

16 Again, if anyone -- Mr. Fields, if you want to have
17 anyone write me any letters or provide any additional
18 information about you prior to sentencing, I always read them
19 and, of course, if you want to call any witnesses, I'll be
20 happy to hear from them as well.

21 We're going to set this case down for sentencing on
22 July 3, 2019, 9:00 a.m., in this courtroom.

23 Is there anything further the Court needs to take up
24 at this time?

25 Mr. Kavanaugh?

1 MR. KAVANAUGH: No, Your Honor.

2 THE COURT: Ms. Lorish?

3 MS. LORISH: No, Judge. Thank you.

4 THE COURT: Mr. Fields, do you have any questions?

5 THE DEFENDANT: No, sir.

6 THE COURT: Ask the marshal to declare a recess.

7 (Proceedings adjourned at 3:54 p.m.)

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15 "I certify that the foregoing is a correct transcript from

16 the record of proceedings in the above-entitled matter.

17

18

19 /s/Sonia Ferris

May 6, 2020"

20

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23

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25